SENATE DOCKET, NO. 347 FILED ON: 1/16/2013

SENATE . . . . . No. 29

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act creating a special commission on behavior modification..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian A. Joyce	*Norfolk, Bristol and Plymouth*
Paul R. Heroux	*2nd Bristol*
Jonathan Hecht	*29th Middlesex*

SENATE DOCKET, NO. 347 FILED ON: 1/16/2013

SENATE . . . . . No. 29

By Mr. Joyce, a petition (accompanied by bill, Senate, No. 29) of Brian A. Joyce, Paul R. Heroux and Jonathan Hecht for legislation to create a special commission on behavior modification. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *50* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act creating a special commission on behavior modification..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There shall be a special commission to investigate and make legislative recommendations on the adequacy and effectiveness of laws and regulations governing the use of behavior modification techniques, including aversive procedures and the principles of applied behavior analysis across all public or private agencies in the commonwealth receiving public funding or subsidy through the commonwealth, any of its political subdivisions, or another state or political subdivision, thereof.

SECTION 2. The investigation shall include, but not be limited to, the scope of techniques permissible under current statutes and regulations, the existent classification system of behavioral interventions, the format and content of behavioral plans, the policies and procedures governing the development, review, approval, implementation and monitoring of aversive interventions, and the adequacy of procedural safeguards to ensure the health, safety, privacy, dignity and human rights of individuals with behavior plans in place.

SECTION 3. The commission shall also review and evaluate the status and appropriateness of a sample of current behavioral plans within state agencies as well as contracted providers.

SECTION 4. The commission shall develop and recommend a unified set of standards regarding the use of behavior modification procedures in all agencies and programs licensed,

18 funded and/or regulated by the Commonwealth. These standards shall include, the minimum
19 qualifications for staff who are involved in the development and direct implementation of
20 aversive procedures and the review and monitoring requirements for such interventions.

21 SECTION 5. The commission shall consist of the Governor or designee, the Senate
22 President or designee, the Speaker of the House or designee, the Senate and House Chairs of the
23 Joint Committee on Children and Families, the Chief Justice of the Probate and Family Court or
24 designee, the Commissioner of the Department of Developmental Services or designee, the
25 Commissioner of the Department of Mental Health or designee, the Commissioner of the
26 Department of Early Education and Care or designee, the Commissioner of the Department of
27 Elementary and Secondary Education or designee, the Commissioner of the Department of
28 Children and Families or designee, the Commissioner of the Department of Youth Services or
29 designee, the Executive Director of the Disabled Persons Protection Commission, or designee,
30 the Chairman of the Governor's Commission on Mental Retardation or designee, the Executive
31 Director of the Massachusetts Psychological Association or designee, and a Licensed Applied
32 Behavior Analyst or Certified Behavior Analyst to be appointed by the governor. The governor
33 will also appoint Commission at least one disability advocate and one service provider whose
34 agency conducts behavioral intervention programming.

35 SECTION 6. The commission may hold public hearings and site visits to assist in the
36 collection and evaluation of data and testimony from providers, family members, and the general
37 public.

38 SECTION 7. The special commission shall be appointed no later July 1, 2014 and shall
39 file a report of the results of its investigation and recommendations with the clerks of the senate
40 and house of representatives on or before January 1, 2015.